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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,300	07/06/2001	Jeffrey A. Carlisle	P 276845	7696
7590 07/18/2006			EXAMINER	
Robert E. Heslin			MENDEZ, MANUEL A	
Heslin Rothernberg et al 5 Columbia Circle			ART UNIT	PAPER NUMBER
Albany, NY 12203			3763	
			DATE MAIL ED: 07/18/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/899,300	CARLISLE ET AL.				
Office Action Summary	Examiner	Art Unit				
	Manuel Mendez	3763				
The MAILING DATE of this communication Period for Reply	on appears on the cover sheet w	ith the correspondence address				
• •		ONTU(S) OR THIRTY (20) DAVE				
A SHORTENED STATUTORY PERIOD FOR F WHICHEVER IS LONGER, FROM THE MAILII - Extensions of time may be available under the provisions of 37 of after SIX (6) MONTHS from the mailing date of this communicate. - If NO period for reply is specified above, the maximum statutory. - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	NG DATE OF THIS COMMUNION CFR 1.136(a). In no event, however, may a right ion. period will apply and will expire SIX (6) MON right statute, cause the application to become AB	CATION. reply be timely filed ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
Status		·				
1) Responsive to communication(s) filed on	23 December 2005.					
,						
· —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice ur	nder <i>Ex parte Quayle</i> , 1935 C.D). 11, 453 O.G. 213.				
Disposition of Claims	•					
4)⊠ Claim(s) <u>1-55</u> is/are pending in the applic	cation.					
4a) Of the above claim(s) 1-18 and 33-50	4a) Of the above claim(s) <u>1-18 and 33-50</u> is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.		·				
6)⊠ Claim(s) <u>19-32 and 51-55</u> is/are rejected						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction	and/or election requirement.					
Application Papers						
9) The specification is objected to by the Ex	aminer.					
10) The drawing(s) filed on is/are: a)	accepted or b) objected to	by the Examiner.				
Applicant may not request that any objection	to the drawing(s) be held in abeyar	nce. See 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the o						
Priority under 35 U.S.C. § 119		·				
12) Acknowledgment is made of a claim for fo a) All b) Some * c) None of:	oreign priority under 35 U.S.C. §	§ 119(a)-(d) or (f).				
 Certified copies of the priority docu 	iments have been received.	•				
2. Certified copies of the priority docu						
3. Copies of the certified copies of the	•	received in this National Stage				
application from the International E	•	raasii sad				
* See the attached detailed Office action for	a list of the certified copies not	received.				
Attachment(s)	_					
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-9) 		Summary (PTO-413) s)/Mail Date				
3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/ Paper No(s)/Mail Date <u>07/01, 12/01</u> .	/	nformal Patent Application (PTO-152)				

Art Unit: 3763

DETAILED ACTION

Election/Restrictions

Claims 1-18 and 33-50 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/23/2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 19-32 and 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (5,935,106), in view of Olsen (5,695,473), Pastrone et al. (4,927,411), or Slate et al. (4,919,596).

The Olsen Patent (5,935,106) discloses an apparatus capable of determining pressure of a sample fluid and having a chamber with an inlet valve, an outlet valve, and an assembly connected to a pressure source which pumps a chamber fluid out of the chamber and wherein the sample fluid is connected to the chamber fluid through the outlet valve. Furthermore, the apparatus is capable of determining the chamber pressure based on the steps defined by the algorithm of CPU (50) as shown in figure 1. Accordingly, since CPUs are programmable and can be programmed in basically indefinite ways, it would not be unreasonable to suggest that the steps or methods

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disclosed by applicant are conventional in the art as evidenced by the teachings of Olsen (5,695,473), Pastrone et al. (4,927,411), or Slate et al. (4,919,596). The cited patents demonstrate the conventionality of measuring pressure in a chamber within an apparatus having an inlet valve, an outlet valve, and an assembly connected to a pressure source. Based on the above observations, for a person of ordinary skill in the art, modifying the apparatus disclosed by Olsen (5,935,106) by altering the programming of the CPU to instruct the apparatus to determine chamber pressure would have been considered obvious in view of the conventionality of these algorithmic enhancements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel Mendez whose telephone number is 703-272-4977. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Manuel Mendez Primary Examiner Art Unit 3763

MM